

2011 DRAFTING REQUEST

Assembly Substitute Amendment (ASA-AB488)

Received: 02/02/2012

Received By: phurley

Wanted: Today

Companion to LRB:

For: Michelle Litjens (608) 266-7500

By/Representing:

May Contact:

Drafter: rchampag

Subject: Employ Pub - miscellaneous

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Litjens@legis.wi.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Pay progression for ADAs; 17 steps

Instructions:

See attached.

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	rchampag 02/02/2012	jdye 02/02/2012		_____			
/1			rschluet 02/02/2012	_____	ggodwin 02/02/2012	ggodwin 02/02/2012	

FE Sent For:

02-24-2012
(1/17)

See
attached

<END>

2011 DRAFTING REQUEST

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rchampag

1 2
2 jld

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KM 2/2

FE Sent For:

<END>

TECHNICAL MEMO

LRB# 11-3588/2

AB-0488

Preparer: John Wiesman, (608) 266-1418

Assistant District Attorney Pay Progression

I. Inconsistent Language for 17 Step Pay Progression

Under newly created s. 230.12 (10), the legislation describes seventeen equal steps, each equal to one-seventeenth of the difference between the pay range minimum and maximum. However, the legislation also states that the first step shall equal the pay range minimum and the last step the pay range maximum. Dividing the pay range into 17 equal increments and counting both the minimum and the maximum as steps means 18 steps, not 17 steps.

Options:

- 1) Delete the sentence: "The first step shall equal the lowest hourly salary rate for the salary range and the last step shall equal the highest hourly salary rate for the salary range." It does not seem to add any information not already specified in the preceding sentence, except to confuse the total number of steps.
- 2) Revise the same sentence to read: "The first step shall equal the pay rate one-seventeenth of the pay range above the lowest hourly salary rate for the salary range and the last step shall equal the highest hourly salary rate for the salary range."

II. Statutory Limit on Individual Pay Increases

The proposed legislation does not seem to contemplate the existence of s. 230.12 (5)(d), Wis. Stats., that limits pay increases received by any individual in a fiscal year. This statute states:

(d) *Individual increase limit.* No appointing authority shall award an employee cumulative performance award increases or other types of cumulative within range pay adjustments exceeding a total of 10% of the employee's base pay during a fiscal year. This paragraph does not apply to a specific type of pay increase authorized by the compensation plan if the plan specifically refers to this paragraph and specifically provides that the type of pay increase referenced in the plan is not subject to this paragraph.

Options:

If the intent is that ADA pay progression increases *should not* be limited pursuant to s. 230.12 (5)(d), one solution may be to create a new s. 230.12 (10)(d) to read:

Pay increases granted under (b) or (c), above, are not subject to s. 230.12 (5)(d).

If the intent is that ADA pay increases *should be* limited pursuant to s. 230.12 (5)(d), no revision is necessary, but it would be desirable to affirm the statutory intent. One possibility would be to create s. 230.12 (10)(d) to read:

Pay increases granted under (b) or (c), above, are subject to s. 230.12 (5)(d).

III. Pay Increase Effective Dates

In both newly created paragraphs, s. 230.12 (10)(b) and (10)(c), July 1 is given as the effective date for possible pay increases. Pay increases that are effective in the middle of a pay period are difficult and time-consuming to process, and customarily avoided in all other state pay administration. It would be highly desirable that pay increases be effective the first day of a bi-weekly pay period.

Recommendations:

- 1) Modify s. 230.12 (10)(b) to begin: "Effective with the first pay period that begins on or after July 1, 2013, all assistant district attorneys. . ."
- 2) Modify s. 230.12 (10)(c) to begin: "Effective with the first pay period that begins on or after July 1, 2014, and with the first pay period that begins on or after each July 1 thereafter, all district attorneys..."

→ Also, say step "or part thereof"



State of Wisconsin
2011 - 2012 LEGISLATURE

FR I



LRB-3588/2

RAC:jld:jf

ASA
to

2011 ASSEMBLY BILL 488

LRB 50308/1

RAC:jld

January 24, 2012 - Introduced by Representatives LITJENS, KLEEFISCH, RICHARDS, BIES, BERNARD SCHABER, BROOKS, DANOU, KAUFERT, KRUG, LEMAHIEU, LOUDENBECK, A. OTT, J. OTT, POCAN, ROYS, SPANBAUER, STASKUNAS, STEINEKE, MASON and BERCEAU, cosponsored by Senators OLSEN, TAYLOR, HARSDORF, LASSA, WANGGAARD, KING, HANSEN, ERPENBACH and T. CULLEN. Referred to Committee on Criminal Justice and Corrections.

1 AN ACT *to amend* 978.12 (1) (c); and *to create* 230.12 (10) of the statutes;
2 **relating to:** establishing an assistant district attorney pay progression plan.

Analysis by the Legislative Reference Bureau

This ~~bill~~ establishes a pay progression plan for assistant district attorneys, which was required under 2011 Wisconsin Act 32. Under the ~~bill~~, the pay progression plan consists of 17 hourly salary steps, with each step equal to one-seventeenth of the difference between the lowest hourly salary and the highest hourly salary for the salary range for assistant district attorneys contained in the compensation plan. ~~The first step equals the lowest hourly salary rate for the salary range and the last step equals the highest hourly salary rate for the salary range.~~ The pay progression plan shall be based entirely on merit.

Under the ~~bill~~, on July 1, 2013, all assistant district attorneys who have served with the state as assistant district attorneys for a continuous period of 12 months or more, and who are not paid the maximum hourly rate, must be paid an hourly salary at the step that is immediately above their hourly salary on June 30, 2013. All other assistant district attorneys, who are not paid the maximum hourly rate, must be paid an hourly salary at the step that is immediately above their hourly salary on June 30, 2013, when they have served with the state as assistant district attorneys for a continuous period of 12 months.

In addition, under the ~~bill~~, on July 1, 2014, and ~~on~~ each July 1 ~~thereafter~~, all assistant district attorneys who have served with the state as assistant district attorneys for a continuous period of 12 months or more, and who are not paid the maximum hourly rate, may, at the discretion of their supervising district attorney,

substitute amendment

succeeding

beginning with the first pay period that occurs on or after

with the first pay period that occurs on or after

ASSEMBLY BILL 488

be paid an hourly salary at any step ^{10 or part thereof,} above their hourly salary on the immediately preceding June 30. All other assistant district attorneys, who are not paid the maximum hourly rate, may, at the discretion of their supervising district attorney, be paid an hourly salary at any step above their hourly salary on the immediately preceding June 30, when they have served with the state as assistant district attorneys for a continuous period of 12 months.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 230.12 (10) of the statutes is created to read:

230.12 (10) ASSISTANT DISTRICT ATTORNEY PAY PROGRESSION PLAN. (a) There is established a pay progression plan for assistant district attorneys. The pay progression plan shall consist of 17 hourly salary steps, with each step equal to one-seventeenth of the difference between the lowest hourly salary and the highest hourly salary for the salary range for assistant district attorneys contained in the compensation plan. ~~The first step shall equal the lowest hourly salary rate for the salary range and the last step shall equal the highest hourly salary rate for the salary range.~~ The pay progression plan shall be based entirely on merit.

(b) ~~An~~ July 1, 2013, all assistant district attorneys who have served with the state as assistant district attorneys for a continuous period of 12 months or more, and who are not paid the maximum hourly rate, shall be paid an hourly salary at the step that is immediately above their hourly salary on June 30, 2013. All other assistant district attorneys, who are not paid the maximum hourly rate, shall be paid an hourly salary at the step that is immediately above their hourly salary on June 30, 2013, when they have served with the state as assistant district attorneys for a continuous period of 12 months.

Beginning with the first pay period that begins on or after
occurs
1-2-13

The bill provides, however, that no salary increase for an assistant district attorney may exceed 10 percent of her or his base pay during a fiscal year.

2011 - 2012 Legislature
ASSEMBLY BILL 488

- 3 -

LRB-3588/2
RAC:jld:jf
SECTION 1

1 (c) ~~On~~ July 1, 2014, and ~~on~~ each July 1 ~~thereafter~~, all assistant district
2 attorneys who have served with the state as assistant district attorneys for a
3 continuous period of 12 months or more, and who are not paid the maximum hourly
4 rate, may, at the discretion of their supervising district attorney, be paid an hourly
5 salary at any step above their hourly salary on the immediately preceding June 30.
6 All other assistant district attorneys, who are not paid the maximum hourly rate,
7 may, at the discretion of their supervising district attorney, be paid an hourly salary
8 at any step above their hourly salary on the immediately preceding June 30, when
9 they have served with the state as assistant district attorneys for a continuous period
10 of 12 months.

11 SECTION 2. 978.12 (1) (c) of the statutes, as affected by 2011 Wisconsin Act 10,
12 is amended to read:

13 978.12 (1) (c) *Assistant district attorneys.* Assistant district attorneys shall be
14 employed outside the classified service. For purposes of salary administration, the
15 director of the office of state employment relations shall establish one or more
16 classifications for assistant district attorneys in accordance with the classification
17 or classifications allocated to assistant attorneys general. Except as provided in s.
18 ss. 111.93 (3) (b) and 230.12 (10), the salaries of assistant district attorneys shall be
19 established and adjusted in accordance with the state compensation plan for
20 assistant attorneys general whose positions are allocated to the classification or
21 classifications established by the director of the office of state employment relations.

22 (END)

No salary adjustment for an assistant district attorney
under this paragraph may exceed
10 percent of ~~an assistant district attorney's~~ base pay
during a fiscal year.

2011-2012 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBs0308/linsRC
RAC:.....

2-1

SECTION 1. 20.005 (3) (schedule) of the statutes: at the appropriate place, insert the following amounts for the purposes indicated:

	2011-12	2012-13
* 20.475 District ^{stet} Attorneys		
(1) DISTRICT ATTORNEYS ✓		
(em) Salary adjustments ✓	-0-	-0-

SECTION 2. 20.475 (1) (em) ^x of the statutes ^{is} ~~are~~ created to read:

20.475 (1) (em) *Salary adjustments* ✓. The amounts in the schedule to fund the costs of salary adjustments for assistant district attorneys provided under s. 230.12 ✓
(10).

(end ins 2-1)

Barman, Mike

From: Barman, Mike
Sent: Thursday, February 23, 2012 2:20 PM
To: Turke, Jon
Cc: Parisi, Lori
Subject: Possible "Supplemental" FE to ASA1-AB488



As we discussed, please see option #4 below ... Joint Rule 41 (3)

(b)

An e-mail request sent by either the President's or the Speaker's office to both the LRB (lrb.legal@legis.wisconsin.gov) (Attn: Mike Barman) and the fiscal estimate coordinator at DOA (fes@doa.state.wi.us) (Attn: Mary Hamele) is needed before a "supplemental" fiscal estimate can be initiated.

1. In the e-mail please quote the Joint Rule that applies.
2. Please note the Introduction and LRB number of the bill, substitute amendment or simple amendment the fiscal estimate is to be based on.
3. Please state the agency(s) requested to prepare the "supplemental" fiscal estimate.

Please feel free to contact me if you have any questions.

Mike Barman (Lead Program Assistant)

State of Wisconsin - Legislative Reference Bureau - Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.state.wi.us

Alternative Fiscal Estimate Options

Fiscal estimates initiated by the bill's primary author (sponsor):

1. **Before the fiscal estimate is "released" (during the five-day review period) ... the primary author of an introduced bill may contact the agency that prepared the *original* fiscal estimate, explain his or her concerns, and request a rewrite. If the agency agrees to rewrite the estimate and the primary author wishes to delay publication, the agency must immediately notify the Department of Administration (DOA) and the Legislative Reference Bureau (LRB). The fiscal estimate will then be returned to the agency for a rewrite. The rewritten fiscal estimate will be the only *original* fiscal estimate "released" (published and inserted into the bill jacket envelope). However, both the rewritten and the initial *original* fiscal estimates will be available for public inspection in the LRB drafting file. If the agency opts not to rewrite the fiscal estimate, it will be "released" by the LRB at the end of the five day review period. See Joint Rule 48 (4).**
2. **Before the fiscal estimate is "released" (during the five-day review period) ... the primary author of an introduced bill may request that a new *original* fiscal estimate be prepared that takes into account any changes resulting from a proposed simple or substitute amendment (whether offered for introduction or not). See Joint Rule 48 (2).**
3. **The primary author of an introduced bill may request that the Legislative Fiscal Bureau (LFB) or DOA prepare a *supplemental* fiscal estimate if he or she disagrees with the fiscal estimate for the bill prepared by the state agency. See Joint Rule 48 (3).**
4. **The primary author of an introduced bill may contact the presiding officer (of either house) and request a *supplemental* fiscal estimate that takes into account any changes resulting from a proposed simple or substitute amendment. If the**

2/23/2012

presiding officer agrees that a *supplemental* fiscal estimate on the bill (as affected by the proposed amendment) would be substantially different from the *original* fiscal estimate submitted by the state agency, they may formally submit a request (in writing – via e-mail to the LRB) to have the agency prepare a *supplemental* fiscal estimate. See Joint Rule 41 (3) (b).

5. **The state agency may, at its discretion, submit an *updated* fiscal estimate supplementing its *original* estimate if it has available better or more current information on the bill. If the primary author of the bill feels the *original* fiscal estimate is inaccurate, and can provide more complete information to the agency, this may be a good option to initiate. See Joint Rule 41 (3) (e).**

Parisi, Lori

From: Rausch, Scott
Sent: Thursday, February 23, 2012 2:56 PM
To: LRB.Legal; Barman, Mike
Cc: 'fes@doa.state.wi.us'; Hamele, Mary - DOA
Subject: Supplemental Fiscal Estimate to ASA1-AB488
Mike & Mary:

50308

Please release the Supplemental Fiscal Estimate for Assembly Substitute Amendment 1 to Assembly Bill 488.

This request is being made after a discussion with Rep. Litjens' office.

Thank you for your meeting this request.

Regards,

Scott Rausch

Policy Advisor
Office of Assembly Speaker Jeff Fitzgerald
(608) 266-0740
scott.rausch@legis.wi.gov

2/23/2012

**ACTIVE****LRB Number:** 11s0308/1**Introduction Number:** ASA1-AB488**Comment:** Supplemental FE**Request Date:** 2/24/2012 2:11:00 PM**Description:** establishing an assistant district attorney pay progression plan**Subject:** Employ Pub - miscellaneous

PUBLIC DRAFT/BILL and Assignments

Edit the Request**DRAFT/BILL: 11s03081.pdf**

Agency	Estimate Type	State/Local	Assigned	Due	Extended Stage	Submitted	Public Estimate	Retrieved
1 District Attorneys	Supplemental	State & Local	2/24/2012	3/2/2012	Preparer		NO	NO
2 Office of State Employment Relations	Supplemental	State & Local	2/24/2012	3/2/2012	Agency-Unassigned		NO	NO